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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,636	09/21/2001	Vivian Pecus	4940/1P	5201
33690	7590	03/22/2005	EXAMINER	
DAVID LOEWENSTEIN 802 KING ST. RYE BROOK, NY 10573			CARDONE, JASON D	
		ART UNIT		PAPER NUMBER
		2145		

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,636	PECUS ET AL.	
	Examiner	Art Unit	
	Jason D Cardone	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number. It is suggested to delete co-pending applications that the instant application is not claiming priority.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 7 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrangi, USPN 6,651,141 in view of Hospodor et al. ("Hospodor"), USPN 6,697,914.

5. Regarding claim 1, Adrangi discloses a method for processing an incoming package at an edge node, comprising: determining if enough space exists at a storage device of the edge node to decompress the package; if enough space does not exist, removing one or more previously stored files from the storage device [Adrangi, col. 2, lines 36-44, col. 7, lines 30-53 and col. 8, lines 25-41]; if the edge node is an intended recipient, ascertaining if the package is a content package or a command package [Adrangi, col. 4, lines 35-57 and col. 8, lines 25-41]; if the package is a command package, executing at least one command included in the package; and if the package is a content package, extracting the files and storing the files contained in the package [Adrangi, col. 7, line 54 – col. 8, line 7].

Adrangi does not specifically disclose extracting package information listing from the package; analyzing the extracted package information listing to discover if the edge node is an intended recipient of the package. However, Hospodor, in the same field of endeavor, discloses package information listing [Hospodor, col. 3, lines 14-65]. It would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to incorporate package information listing, taught by Hospodor, into the edge

node system, taught by Adrangi, in order to efficiently access the network, reduced cost and latency [Hospodor, col. 1, lines 59-63].

6. Regarding claims 2 and 3, Adrangi-Hospodor further discloses the removal of one or more previously stored files comprises: identifying all previously stored files in the edge node's storage space that are expired or marked for forced deletion; and removing one or more identified files, where the removal of one or more previously stored files comprises deleting all previously stored files in the edge node's storage space marked for forced deletion [Adrangi, col. 7, line 30- col. 8, line 49].

7. Regarding claim 4, Adrangi-Hospodor further discloses removing one or more previously stored files further comprises: ascertaining whether the edge node has enough storage space to decompress the package and if not then deleting one or more previously stored files in the edge node's storage space that are expired; and iteratively performing the ascertaining and deleting of one or more previously stored files that are expired until the edge node has enough storage space to decompress the package or no previously stored files that are expired exist [Adrangi, col. 7, line 30- col. 8, line 49].

8. Regarding claims 7, Adrangi-Hospodor further discloses the extracting of the files further includes entering information from the extracted files in a database [Adrangi, col. 3, lines 7-14].

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9. Regarding claim 11, Adrangi-Hospodor further discloses verifying successful receipt of the package prior to extracting the package information listing [Adrangi, col. 4, lines 35-57] [Hospodor, col. 3, lines 30-65].

10. Regarding claims 12-18, claims 12-18 have similar limitations as disclosed in claims 1-4, 7 and 11. Therefore, the similar limitations are disclosed under Adrangi-Hospodor for the same reasons set forth in the rejection of claims 1-4, 7 and 11 [Supra 1-4, 7 and 11].

11. Claims 5, 6, 8-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrangi-Hospodor as applied to claims 1 and 12 above, and further in view of Strandberg et al. ("Strandberg"), USPN 6,647,412.

12. Regarding claims 5, 6 and 19, Adrangi-Hospodor substantially discloses the claimed invention. Adrangi-Hospodor does not specifically disclose a package is a command package and is transmitted through a back channel and a message describing the status of the edge node is transmitted to a NOC through a back channel connected the edge node and the NOC. However, Strandberg, in the same field of endeavor, discloses status of an edge node is transmitted to a NOC through a back channel connected the edge node and the network operator (originator of the command package) [Strandberg, col. 1, line 56 – col. 2, line 37 and col. 3, lines 4-26]. It would have been obvious to one of ordinary skill in the art, at the time of the invention was

made, to incorporate messaging on a back channel, taught by Strandberg, into the edge node system, taught by Adrangi-Hospodor, in order to adequately respond to dynamic network conditions [Strandberg, col. 1, lines 50-53].

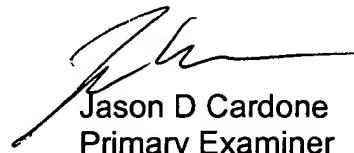
13. Regarding claims 8-10, Adrangi-Hospodor-Strandberg further discloses the package is a command package that includes a command to request for the edge node to upload its logs to a NOC, the package is a command package that includes a command to request for the edge node to update its operational software and the package is a command package that includes a deletion command and is sent from the NOC [Adrangi, col. 4, lines 1-34 and col. 7, line 30- col. 8, line 49] [Strandberg, col. 1, line 56 – col. 2, line 37 and col. 4, line 36 – col. 5, line 8].

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone
Primary Examiner
Art Unit 2145

March 17, 2005